Criminal Revision no. 98 of 2003

M.P.S.Gill and another---------- Revisionists

Versus

State of Uttaranchal---------- Respondent

Hon'ble M.M.Ghildiyal J.

Heard Sri N.C.Gupta learned counsel for the revisionists and learned A.G.A.

This revisionists have challenged the order dated 15.5.12003 passed by the Sessions Judge, Haridwar discharging one Rishipal who was a witness of the prosecution on the ground that inspite of bailable warrant issued against the witness Rishipal he did not turn up in the court to led evidence and since there is an order of the High Court to conduct the trial on day to day basis, as such in the circumstances the witness Rishipal has been discharged.

The learned counsel for the revisionists has submitted that in case the witness has not turned up in the court to led evidence it was the duty of the court to issue non-bailable warrant so that the case of the prosecution is not frustrated. I find force in the submission of the learned counsel for the revisionists.

In view of the above I direct the learned Sessions Judge, Haridwar to procure the attendance of the witness Rishipal to led evidence in the court according to law.

With these observations the revision is disposed of finally.

(M.M. Ghildiyal, J.)

July 14, 2003